## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

TEXAS DEMOCRATIC PARTY, BOYD L. RICHIE in his capacity as Chairman of the Texas Democratic Party, FRANK JOSEPH and BRETT ROSENTHAL,	& & & & &	
Plaintiffs,	§ § &	CIVIL ACTION NO.
v.	8 8 8	3:08-CV-2117-P
DALLAS COUNTY, TEXAS and BRUCE SHERBET in his capacity as Election Administrator for Dallas County, Texas,	\$ \$ \$	
Defendants.	§ §	,

## **ORDER**

Pursuant to the Court's Order of April 17, 2009, the three judge panel's orders of December 17, 2009 and September 8, 2009, and the United States Supreme Court's remand instructions of October 3, 2011, final judgment is issued as follows:

- 1) The Section 2 and Section 5 claims by the individual Plaintiffs Frank Joseph and Brett Rosenthal are dismissed for lack of standing;
- 2) The Section 2 and Section 5 claims by the Texas Democratic Party and Boyd Ritchie, as chairman of the Texas Democratic Party, brought on behalf of the Texas Democratic Party members are dismissed for lack of standing;
  - 3) The Texas Democratic Party's Section 2 claims are dismissed with prejudice;
- 4) The Texas Democratic Party's Section 5 claim requesting injunctive relief prohibiting Dallas County from holding elections using the iVotronic machines and from using its method of counting ballots during a manual recount of votes cast using the iVotronic machines until it obtains

preclearance from the Attorney General was granted by the three judge panel in its December 17, 2009 order. However, that relief is now moot in light of the subsequent preclearance by the Attorney General; and

- 5) Costs are assessed against Defendants.
- 6) Attorneys' Fees are awarded pursuant to the Court's Order of December 23, 2010.

IT IS SO ORDERED.

Signed this 25

\_\_\_ day of \_\_\_

2012.

EDWARD C. PRADO

UNITED STATES CIRCUIT JUDGE

JORGE A. SOLIS

UNITED STATES DISTRICT JUDGE

REED O'CONNOR

UNITED STATES DISTRICT JUDGE